

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Kerr Pipeline**  
**Range Improvement Project**

Environmental Assessment  
DOI-BLM-MT-C020-2013-0023-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**ENVIRONMENTAL ASSESSMENT REVIEW**

<b>OFFICE/AREA:</b> Miles City Field Office	<b>DOI-BLM-MT-C020-2013-0024-EA</b>
	<b>DATE POSTED:</b> October 25, 2012
<b>NAME:</b> Kerr Pipeline EA	<b>DATE DUE:</b> November 15, 2012
<b>LOCATION:</b> Garfield County T20N R42E, Sec.'s 20, 21, 28, 29	<b>FUNDING:</b> L81000000.LXRIE

<b>ORIGINATOR DATE/INITIALS</b>	<b>TITLE</b>	<b>ASSIGNMENT</b>
Kirk Anderson	Rangeland Management Specialist	ALL

<b>REVIEWERS</b>	<b>TITLE</b>	<b>ASSIGNMENT</b>	<b>DATE/INITIALS</b>
Doug Melton	Archeologist	Cultural	11/08/12 DM Cultural Report MT-020-12-296
Kent Undlin	Wildlife Biologist	Wildlife	11/13/12 KU
Reyer Rens	Supervisory RMS	Review	RR 11/20/2012

  
\_\_\_\_\_  
**ENVIRONMENTAL COORDINATOR**

12/12/12  
**DATE**

## ENVIRONMENTAL ASSESSMENT

**EA NUMBER:** DOI-BLM-MT-C020-2013-0024-EA

**RIPS#**

**PROPOSED ACTION/TITLE**

**TYPE:** Kerr Pipeline  
28, 29

**LOCATION OF PROPOSED ACTION:** T20N R42E, Sec.'s 20, 21,

**PREPARING OFFICE:** Miles City Field Office

**DATE OF PREPARATION:** August 8, 2012

**CONFORMANCE WITH APPLICABLE LAND USE PLAN:** This proposed action is in conformance with the Big Dry RMP ROD approved in 1996, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...” Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD says “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

**PURPOSE AND NEED:** The purpose and need for this project is to provide additional water sources on the Kerr Allotment and the McKerlick Allotment that will help to improve livestock use patterns and enable the operators to implement rotations as described in their permits. Additional water sources will allow livestock to access additional forage throughout the allotment and reduce grazing pressure on those areas near the few available water sources in these pastures. The few water sources on these allotments, which are small reservoirs and wells, have seen historically heavy use, which has resulted in changes in species composition to a less desirable plant community in these areas while large portions of these pastures receive light use.

**PROPOSED ACTION:** The proposed action is to install approximately 15,600 feet of pipeline and four stock water tanks on BLM administered lands on the Kerr and McKerlick allotments. The majority of the pipeline will be routed along existing two-track roads. The trench will be less than 12 inches wide and be at a depth of 6 feet. The vegetation immediately along the route may be mowed (at a width of approximately 8 feet), in order to improve effectiveness of backfilling to prevent washing along the trench. The pipeline may be trenched or ripped, and will be at the discretion of the contractor. High density pipe will be laid in the trench and will then be backfilled. Hydrants will be installed at the locations identified on the attached map and will provide water to the tank locations identified on the map. Once authorization for this project is completed a contract will be let by the BLM to install the pipeline and hydrants as described above. The grazing permittee will be required to set up the pump at the existing well and install tanks according to BLM specifications. A bird ladder will be provided by the BLM. All work should be completed within the summer of 2013.

**ALTERNATIVE 1- NO ACTION:** The “no action” alternative would be to not allow the construction of the pipeline. The existing water sources, including primarily reservoirs, would continue to supply water for livestock on the allotment as they currently do. Patterns of use by livestock would remain the same as under current management.

### **AFFECTED ENVIRONMENT:**

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

<b>Mandatory Item</b>	<b>Potentially Impacted</b>	<b>No Impact</b>	<b>Not Present On Site</b>
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values		X	
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species		X	
Environmental Justice			X

*The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: Forestry, hydrology, lands/realty, geology/minerals, socio-economics, and recreation.*

**Cultural:** The proposed pipeline route and tank locations were inventoried for cultural resources in June 2012. No cultural resources were located along the pipeline route or at any of the proposed tank locations (See BLM Cultural Resources Report MT-020-12-296). The proposed action would have no effect to historic properties.

**Grazing Administration:** The Kerr allotment is managed under an active use permit as follows:

GR # 2502166

<b>Kerr Allotment # 00197</b>	<b>Livestock</b>		<b>Grazing Period</b>		<b>% PL</b>	<b>Type Use</b>	<b>AUMs</b>
	<b>Number</b>	<b>Kind</b>	<b>Begin</b>	<b>End</b>			
West Pasture	100	C	5/15	9/10	83	Active	325
Indian Rocks	15	C	3/01	2/28	100	Active	75
Baker	15	C	3/01	2/28	100	Custodial	178

Total Active AUMs: 578

### **Terms and Conditions:**

Line 1: West Pasture – Livestock numbers and season of use are as described.

Line 2: Indian Rocks Pasture – Pasture will be used between April 15<sup>th</sup> and June 1 prior to turn out in the west pasture. If AUMs are available, this pasture can also be used in the fall beginning 9/10. Grazing will not exceed the carrying capacity of the public land (75 AUMs). This pasture will carry 100 head for 23 days.

Line 3: Baker Pasture – Grazing is authorized during the listed season for the recognized capacity of the public land. Numbers of livestock are not restricted.

**Livestock Grazing:** Livestock grazing in the Kerr allotment occurs during the summer season in accordance with the permit shown above. The West Pasture and the Indian rocks pastures would be affected by the proposed pipeline with the West Pastures being grazed during the summer and the Indian Rocks pasture in

the early spring and/or fall for a short period of time. Neither of these pastures currently have adequate water to distribute livestock out of the bottoms away from existing reservoirs and wells. The McKerlick allotment is grazed during variable times of year, however the pastures that would be affected by this proposed pipeline have been used in either the fall or early spring in order to use them while there is some available water. Sheep have been grazed in these pastures in the fall.

Soils: Ecosites identified along the pipeline route include the Silty 10-14 inch, Shallow 10-14 inch precip. The soils types identified in the project area have slight to moderate erodibility ratings and have good potential for revegetation. Slopes in the project area are 0 to 5% through most of the area with some steeper grades near creek crossings. There are also inclusions of gumbo buttes and badlands types, however very little of this would be affected by the proposed pipeline.

Vegetation: The Kerr allotment has been assessed for Standards for Rangeland Health and Guidelines for Livestock Management in 2001 and follow up assessments have indicated that conditions are continuing to meet standards, although there is poor distribution in the allotment. The McKerlick allotment also met standards for the Miles City Field Office through an evaluation in 2002. The dominant vegetation within the allotment is western wheatgrass, prairie junegrass, needleandthread, blue grama, bluebunch wheatgrass and threadleaf sedge. There are also gumbo buttes and badland areas dominated by rabbitbrush, greasewood, and shadscale in the rougher portions of these allotments. The uplands in this allotment have received light grazing use and there is good residual cover found throughout these pastures along with vegetation communities that are in high to moderate seral condition. No known surveys for special status plant species have been conducted.

Wildlife: Wildlife game species in the area include mule deer, white-tailed deer, pronghorn, sage-grouse, and sharp-tailed grouse. Limited habitat exists for sage-grouse as the subject area is considered "rough" in topography. Non-game species such as raptors, migratory birds, and various small mammals, reptiles and amphibians also inhabit or frequent the area. BLM Sensitive Species are known to inhabit or frequent the area; however no Threatened or Endangered species or habitat for such is known to exist. There are no known leks on BLM lands within the project area or in this general vicinity. These allotments are also classified as pronghorn and mule deer winter range.

## **ENVIRONMENTAL IMPACTS:**

### **DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:**

Cultural: The proposed action would have no impacts to cultural properties. There would be no effect to historic properties. Unanticipated discoveries of cultural resources during construction would be dealt with through the cultural resources requirements of the cooperative agreement for the project and stipulations attached to this environmental document.

Grazing Administration: The permit for these allotments is not affected by the proposed project.

Livestock Grazing: Livestock distribution will be improved in the West and Indian Rocks pastures on the Kerr allotment with construction of the pipeline and installation of tanks. These pastures will be grazed in according to the schedule outlined on the permit and will allow the operator to have more options for seasonal deferment in these pastures and to rotate through the pastures on the allotment. The proposed tanks in the McKerlick allotment will improve distribution and allow more flexibility in management in the Winter Pasture and the Steel Pasture. These improvements in distribution, combined with rotation through these pastures at varying times during the season will help to improve over all conditions on these allotments. Better livestock distribution should result in improved conditions in areas that are currently grazed heavily, while increasing use in areas of secondary range near proposed tank locations.

Soils: The process of cutting and moving soil on to the existing fill will cause soil disturbances that result in soil mixing, compaction, and removal of ground cover. Compaction of soils will occur due to equipment operation. Compaction will expose the soil to accelerated erosion by wind and water, decrease nutrient cycling, and increase runoff until the site returns to natural rates due to freeze–thaw cycles. Mixing and compaction will potentially affect surface and subsurface biota, specifically reducing productivity and biodiversity. Accelerated soil erosion from wind and water could occur during and shortly after project construction. Once construction is completed and vegetation is reestablished, erosion, compaction, and productivity should return to natural rates.

Vegetation: Localized vegetative disturbance will occur within the trenched area; however this impact will heal itself and become less evident with time, usually within two growing seasons. These areas may become weedy with annual vegetation as a result of the livestock use, however the disturbance is considered minimal. Improved distribution and varying the timing of use in each of these allotments will improve those areas that are currently grazed more heavily and will distribute use in to areas that are lightly grazed currently, which will result in vegetative conditions in these pastures improving overall.

Wildlife: Wildlife species will likely be displaced during construction activities. These impacts are expected to be short term in nature as construction activities should last no more than two weeks. Surface disturbance and excavation is likely to destroy ground nesting species, nests, and/or burrowing animals if present during construction; however, with the proposed timing of work to occur in the late summer to fall, it is not anticipated that ground nesting bird species would be affected. The pipeline route as proposed follows an existing two-track over the majority of the route. Current good habitat conditions should remain with increased available water and the additional tanks will provide water for wildlife. Woody Creek (riparian habitat) and Totten Coulee will receive the most benefit from the proposed additional water sources which should lessen utilization in these areas as water sources can be shut off and livestock use can be shifted to other areas of the allotment. Wildlife escape ramps will be installed to decrease wildlife mortalities in the tanks.

## **DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1- No Action:**

Cultural: There would be no impact to cultural or paleontological resources if the no action alternative is selected.

Grazing Administration: The grazing permit for Abarr Allotment is not affected by this alternative.

Livestock Grazing: Livestock grazing would continue under the current management. Livestock would continue to use the areas that are currently receiving heavier use and would continue to have impacts in these areas. Over all the allotment would be expected to continue meeting the Standards for Rangeland Health.

Soils: The soil will not be disturbed on public land. Compaction of soils will not occur due to equipment operation and existing soil conditions will remain as they occur today.

Vegetation: Vegetation will not be disturbed on public land. Vegetation in areas currently receiving heavy use would continue, and species composition would be expected to change to one dominated by less desirable species. The threat of spreading noxious weeds would be present, but not as great as it would if a pipeline is installed along the proposed route.

Wildlife: The no-action alternative would result in no direct habitat loss or wildlife disturbance on public lands. Potential improvement of the current condition of Woody Creek would not occur.

## **CUMULATIVE IMPACTS**

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997.

Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

**MITIGATION:** Construction will not occur from March 1 to June 15<sup>th</sup> on public lands to protect sage grouse strutting, nesting, and early brood rearing activities.

**Cultural Resources:** The individual/contractor shall immediately bring to the attention of the BLM Field Manager any and all antiquities or other items of cultural or scientific interest, including but not limited to historic or prehistoric ruins, fossils, artifacts or burials discovered as a result of his operations, and shall leave such discoveries intact until told to proceed by the BLM Field Manager

**CONSULTATION/COORDINATION:** permittee

## **LIST OF PREPARERS:**

**Kirk Anderson, Rangeland Management Specialist**

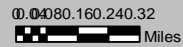
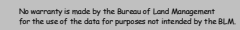
**Kent Undlin, Wildlife Biologist**

**Doug Melton, Archeologist**

**Curt Kunugi, Civil Engineer**

**Reyer Rens, Supervisory Rangeland Management Specialist**

**Kathleen Bockness, Environmental Coordinator**





**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
FINDING OF NO SIGNIFICANT IMPACT  
Kerr Pipeline EA  
DOI-BLM-MT-C020-2013-0024-EA**

**BACKGROUND**

The origin of the environmental assessment was due to a need to improve distribution and available water on both the Kerr and McKerlick allotments in order to ensure that Standards for Rangeland Health are being met.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0024-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Big Dry Resource Management Plan, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota Record of Decision approved in 1997.
- (2) The Proposed Action is in conformance with the Record of Decision for the Big Dry Resource Management Plan, as amended; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

**Context**

The proposed action is to install approximately 15,600 feet of pipeline and four stock water tanks on BLM administered lands on the Kerr and McKerlick allotments. The majority of the pipeline will be routed along existing two-track roads. The trench will be less than 12 inches wide and be at a depth of 6 feet. The vegetation immediately along the route may be mowed (at a width of approximately 8 feet), in order to improve effectiveness of backfilling to prevent washing along the trench. The pipeline may be trenched or ripped, and will be at the discretion of the contractor. High density pipe will be laid in the trench and will then be backfilled. Hydrants will be installed at the locations identified on the attached map and will provide water to the tank locations identified on the map. Once authorization for this project is completed a contract will be let by the BLM to install the pipeline and hydrants as described above. The grazing permittee will be required to set up the pump at the existing well and install tanks according to BLM specifications. A bird ladder will be provided by the BLM. All work should be completed within the summer of 2013.

## **Intensity**

I have considered the potential intensity/severity of the impacts anticipated from the Kerr Pipeline decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

- 1. Impacts that may be both beneficial and adverse.** The EA considered both potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the Big Dry RMP.
- 2. The degree to which the proposed action affects public health and safety.** No aspect of the proposed action would have an effect on public health and safety.
- 3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no known historic or cultural resource sites that would be affected by the proposed action. A pre-project cultural resource survey was conducted in conjunction with the location of the EA and did not result in the discovery of significant cultural properties (See report number listed in the environmental assessment).. There would be no effect to historic properties. Unanticipated discoveries of cultural resources during project construction are subject to the cultural resource stipulation in the cooperative agreement for the project. There are no parks, prime farmlands, WSAs, ACECs, or wild and scenic rivers in the planning area.
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of the actions planned under the proposed action are similar to many other rangeland improvement projects implemented within the scope of the Big Dry RMP, as amended. “Highly controversial” in the context of 40 CFR 1508.27 (b)(4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. No unique or appreciable scientific controversy has been identified regarding the effects of the proposed action.
- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis has not shown that there would be any unique or unknown risks to the human environment.
- 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Big Dry RMP.
- 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Big Dry RMP.
- 8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.** The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.
- 9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** There are no

threatened or endangered species or habitat in the area of the proposed action. There are no threatened or endangered plant species or habitat in the area.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The proposed action does not threaten to violate any Federal, State, or local law.



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Todd D. Yeager  
Field Manager  
Miles City Field Office

12/19/2012

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Date



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
DECISION RECORD  
Kerr Pipeline EA  
DOI-BLM-MT-C020-2013-0024-EA**

**DECISION**

It is my decision to select the Proposed Action Alternative with the applied mitigation as described in the Kerr Pipeline EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the construction of approximately 15,600 feet of stock water pipeline for use in the Kerr and McKerlick Allotments. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Big Dry Resource Management Plan, as amended.

**ALTERNATIVES**

In addition to the selected alternative, the EA considered one (1) other alternative. The "No Action" alternative, and would carry out no management activities at this time.

**RATIONALE FOR SELECTION**

The purpose of the action is to install a pipeline and four tanks in the Kerr and McKerlick allotments in order to improve distribution and available water in each of these allotments to ensure that Standards for Rangeland Health are being met. Livestock distribution will be improved and vegetative conditions will be maintained or improved under the management outlined in the EA.

The No Action Alternative would carry out no management actions thus not meeting the purpose and need. The affected pastures would continue to be grazed as they are currently and areas that are receiving heavy use would continue to be affected by poor grazing distribution.

The selected alternative meets the purpose of the proposed action. It would ensure that the deferred rotation system currently in place will continue to be implemented.. The No Action Alternative would not meet the purpose and need of the project.

**CONSULTATION AND COORDINATION**

The permittee and a civil engineering technician were consulted. The Kerr Pipeline EA was made available online via the Miles City Field Office NEPA log.

**IMPLEMENTATION**

Once the Kerr Pipeline EA, FONSI, and Decision Record are approved by the Authorized Officer, the BLM would receive bids and award a contract for the installation of the pipeline and hydrants and the permittee would then be responsible for installing tanks at each hydrant location.

**ADMINISTRATIVE REVIEW OPPORTUNITIES**

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Office Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.



12/19/2012

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Todd D. Yeager  
Field Manager  
Miles City Field Office

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Date

